GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Revenue Department – Sri Balivada Prasad Rao, (Deputy Collector) (Retired) while working as Mandal Revenue Officer, Sabbavaram, Vishakhapatnam District committed several lapses in Ayan conversion of assignment lands without obtaining the resolution of Gram Panchayat and clearance from Assignment Committee and irregularities in assignment of Govt., Lands – Disciplinary action – Initiated – Inquiry officer appointed – Enquiry report received – Penalty of 25% cut in monthly pension – imposed – orders issued vide **G.O.Rt.No.1149, Revenue (Vigilance.III) Department, Dt.09.06.2005** – W.P.No.22232 of 2010 filed by Sri Balivada Prasad Rao, (Deputy Collector) (Retired) – Orders Dt.07.10.2023 passed by the Hon'ble High Court of A.P – Personal hearing conducted on 12.03.2024 – cancelled the orders issued in **G.O.Rt.No.1149, Revenue (Vigilance.III) Department, Dt.09.06.2005 - Ex**amined the explanation of Sri Balivada Prasad Rao, (Deputy Collector) (Retired) afresh in terms of High Court orders – Imposed the penalty of "5% cut in monthly pension" – orders – Issued.

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REVENUE (VIGILANCE –I) DEPARTMENT

G.O.Rt.No.875 **Dated:11.12.2024**

Read the following:

1. Govt., Memo No.68285/Ser.I(2)/93-1, Revenue (Services.I) Dept., Dt.27.09.1993
2. G.O.Rt.No.503, Revenue (Ser.V) Dept., Dt.01.04.1999.
3. From the Collector, Visakhapatnam District, Lr.No.7054/93/A1, Dt.30.04.2003.
4. Govt., Memo No.6118/Vig.III(1)/2001-19, Revenue (Vig.III) Dept., Dt.08.12.2003.
5. Explanation of Sri B.Prasada rao, Deputy Collector (Rtd), Dt.26.04.2004.
6. Govt., Letter No.6118/Vig.III(1)/2003-23, Revenue (Vig.III) Dept., Dt.08.02.2005.
7. From the Secretary, APPSC, Hyd, Lr.No.3198/RT-I/3/2005, Dt.10.05.2005.
8. **G.O.Rt.No.1149, Revenue (Vigilance.III) Department, Dt.09.06.2005**
9. Orders Dt.07.10.2023 of the Hon'ble High Court in W.P.No.22232 of 2010 filed by Sri Balivada Prasad Rao, (Deputy Collector) (Retired)
10. From Sri B.Prasad Rao, Deputy Collector (Retired),Representation Dt.15.12.2023 received on 20.12.2023.
11. Govt., Memo.No. REV01-LANA/1789/ 2023-VIG-I,Dt:26.12.2023
12. From the District Collector, Visakhapatnam, Rc.No. 7054/1993/A1 (Admin.A1), dt:17/01/2024)

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ORDER:

The Collector, Visakhapatnam District and the Chief Commissioner of Land Administration, Hyderabad has reported that Sri B.Prasada Rao, while working as Mandal Revenue Officer, Sabbavaram, Visakhapatnam District has committed certain lapses in Ayan conversion of assignment lands during the period of he worked i.e from January, 1989 to June, 1989 without obtaining the resolution of Gram Panchayat and clearance from the assignment Committee and requested to take disciplinary action against him since the lands so assigned are valuable Government lands.

2. After examination of the matter, vide reference 3rd read above, Government have framed the Articles of charges against the delinquent official as follows:

Charge-I : While working as MRO, Sabbavaram from January, 1989 to June, 1989, he sent Ayan Conversion proposals for the purpose of assignment to

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the Revenue Divisional Officer where as the authority competent to order Ayan conversion is the Collector. Even after conversion orders issued by the RDO, the individual who was working as MRO should have brought to the notice of RDO the need to obtain orders of Collector in conversion cases. The MRO failed to do so but initiated further action for assignment of lands in following cases:

(i) S.No.167/5, Ac.2.00, S.No.164/P, Ac.3.00 of Pydivada villageand there is variation between the sub-division. On record and the Ayan conversion extents.
(ii) S.No.38/2 extent Ac.4.20 of Gangavaram (V)
(iii) S.No.139/1B to 1F and
(iv) S.No.104/9 measuring Ac.3.07 of Legisettipalem (V).
(v) S.No.64/2 and other 15 Sub Divisions of Nallregulapalem (V).
(vi) S.No.64/2 measuring Ac.3.00
(vii) S.No.94/3,4, 103/1, 104/14, 103/6, 104/13 and S.No. 100 extent of 17.84 of Sirsapalli (V). Measure
(viii) S.No. 78/6, 99/1, 99/2, 112/2, 113/3 measuring an extent of Sirasapalli (V). Ac.5.53.
(ix) S.No.87/6&94/2 measuring an extent of Ac.6.74 of Sirsapalli (V).

Charge-II : That he issued "D" form pattas to certain persons jointly though there is no provisions for issuance of "D" form patta for more than one person in assignment rules. This is highly irregular in following cases.

(i) S.No.94/4, Ac.1.70 cents to S.Lokasu and DoddiKoti of Sirsapalli (V).
(ii) S.No.99/14, 99/17, 99/19 and 112/4 measuring Ac.5.16 of Sirsapalli (V) to Sri Apapa Rao (2) Kurmarao (3) Mahalakshmi Naidu (4) Koti.

Charge -III: That he is responsible for assignment of lands without verifying the social status of the applicants in the following cases. Consequently, Government lands have gone to the ineligible persons. The action of the Mandal Revenue Officer is clear that the Mandal Revenue Officer is did not verify the value of lands and the applicants' status as to whether they were eligible for assignment of land, granting assignment to economically sound people is against assignment rules. Further, the rationales in making assignments to some of the chosen encroachers only without examining the other cases is irregular. The assignment cases dealt by the individual constitute a galore and irregularities discrepancies and technical infirmities smack of the carelessness and casualness with which assignments were handled, processed and ordered at all levels.

(i)S.No.167/5 measuring Acs.2.31 cents of Padidivada (V) to Smt.S.Mahalakshmi who was in actually occupation of Ac.5.00 by raising cashew nuts.
(ii) S.No.205/90 Ac.4.00 of Aripaka (V) to Smt.K.Lakshmi W/o. Sri Meerayya who was working as Lineman in rural Electrical Society drawing a salary of Rs.1700/- P.M. besides owning Ac.1.87 in neighbouring village.
(iii)S.No.139/1E Ac.1.73 of Iravada (V) to MajjiSwamy Naidu who has Ac. 1.79 wet and Ac.2.31 wet.
(iv) S.No.104/9 measuring Ac.3.07 to Polaramsetti Mohan Rao of Legichettipalem Village.

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(v) S.No.139/IN Ac.1.10 of Iravada (V) to Smt.S.Satyavathi and her husband is working as B.Ed., Asst., and possessed own house worth of Rs.50,000/-.
(vi) S.No. 139/11 Ac.5.00 of Iravada (V) to Smt. Balireeddi Ramanamma and her husband owns an extent of Ac.3.09 wet as per claim petition made for Pattadar Pass book.
(vii) S.No.103/1 and 104/14 Acs.4.62 of Sirsapalli village of Smt.S.Chandravathi who already possessed an extent of Ac.2.00 dry and Ac.3.10 wet.
(viii) S.No.104/13 Ac.1.70 of Sirsapalli (V) to Smt.S.Varalakshmi, S.No.103/6 Ac.3.73 to Sri Simhachalam husband of Smt. Varalakshmi they already possessed an extent of Ac.1.02 wet and Ac.1.55 dry land.
(ix) S.No.114/3 Ac.1.00 and S.No. 78/7 Ac.1.50 of Siraspalli (V) to DoddiSivanna who has possessed an extent of Ac.2.97 in Gangarampalem Village.
(x) S.No. 78/6, 99/1, 99/2, 112/2, 113/2 measuring an extent of Acs. 5.53 of Srsapalli (V) jointly choppagadda Ida Satyavathi and Venkanna, though Sri Venkanna is working as Police Constable getting about Rs.18,000/- P.M.
(xi) S.No.99/15, 99/16, 112/5, 106/1 ac.5.41 of Sirspalli to Sri DoddiApparao and Sri. PolaramsettiNookaraju of Bangarupalem (V) and they possessed an extent of Ac.2.77 and 7.33 respectively.
(xii) S.No.87/6 and 94/2 Ac.6.68 of Srspalli (V) to Sri MaddalaRamana and Sri MaddalaMuthyalu Naidu of Bangarupalem (V) as they have possessed houses worth Rs.7,500/-

2. Whereas, after examining the representation/written statement of defense of the charged officer, regular inquiry has been ordered by appointing Joint Collector, Visakhapatnam as inquiring authority vide reference 2nd read above, to conduct regular inquiry into the articles of charges framed against the charged officer. The inquiry authority has submitted his inquiry report vide reference 3rd read above holding that all the charges framed against the charged officer Sri B.Prasada rao, former MRO, Sabbavaram, Visakhapatnam (Now Retired) are held proved. Government after examination of the inquiry report have provisionally decided to impose 25% cut in pension on permanent basis as a measure of punishment on Sri B.Prasada rao, former MRO, Sabbavaram, Visakhapatnam (Now Retired) for the irregularities committed by him and accordingly a show cause notice has been issued vide memo 4th read above duly enclosing a copy of the inquiry officer's report directing him as to why he proposed punishment should not be imposed on him and to submit his explanation. In the reference 5th read above he has submitted his explanation denying the charges and to drop further action against him.

3. And whereas, the matter has been examined keeping in view if the inquiry officer's report and explanation of the charged officer, Government decided to confirm the provisional punishment of 25% cut in pension permanently on Sri B.Prasada rao, former MRO, Sabbavaram, Visakhapatnam (Now Retired), as the charges leveled against him are proved. Accordingly, orders were issued vide G.O 8th read above.

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4. Aggrieved by the orders issued in the reference 8th read above, Sri B.Prasada rao, former MRO, Sabbavaram, Visakhapatnam (Now Retired) has filed W.P.No.22232 of 2010 in the Hon'ble High Court of A.P. The Hon'ble High Court of A.P have passed orders Dt.07.10.2023 in W.P.No.22232 of 2010.The operative portion of the orders Dt.07.10.2023 in W.P.No.22232 of 2010 are as follows:

> "For the aforesaid reasons, the Writ Petition is allowed, setting aside G.O.Rt.No.1149 Revenue (Vig.III) Department, dated 09.06.2005, issued by the State Government and the orders of the Tribunal, dated 18.08.2009, passed in O.A.No.3809 of 2005 and the order, dated 09.12.2009, in review M.A.No.184 of 2006 in O.A.No.3809 of 2005, and the matter is remanded to the State Government/Respondent No.2 herein for passing orders afresh, after taking into consideration of the issues raised by the writ petitioner in his explanation, dated 26.04.2004, submitted to the final show cause notice issued by the State Government, after giving opportunity of hearing to the petitioner. This exercise shall be completed within a period of two (2) months from the date of receipt of a copy of the order. It is also made clear that the said exercise shall be restricted only to the extent of the subject punishment. There shall be no order as to costs".

5. And whereas, in light of the orders Dt.07.10.2023 of the Hon'ble High Court in W.P.No.22232 of 2010, a personnel hearing has been conducted on 12.03.2024. for giving opportunity to the petitioner. The Legal representative of the petitioner have attended for hearing on behalf of the petitioner. During hearing, heard the pleadings of the petitioner by the Special CS and obtained the required information from the CCLA, A.P vide letter, dt: 09.08.2024 and District Collector, Visakhapatnam.

6. And whereas, as per the orders Dt.07.10.2023 of the Hon'ble High Court Government have examined the explanation Dt.26.04.2024 of Sri B.Prasada rao, former MRO, Sabbavaram, Visakhapatnam (Now Retired) afresh and observewd that, his contention that assignment does not confer ownership and alienation right is no more valid in view of the recent amendment. The other explanation to the other charges is also not very convincing. However considering the lapse of time and advanced age of the charged officer, the punishment of 25% cut in pension is reduced to 5% cut in pension and accordingly decided to cancel the earlier orders issued vide "G.O.Rt.No.1149 Revenue (Vig.III) Department, dated 09.06.2005 imposing a punishment of 25% cut in pension permanently" and to issue orders afresh by imposing the penalty of "5% cut in monthly pension permanenly" against Sri B.Prasada rao, former MRO, Sabbavaram, Visakhapatnam (Now Retired).

7. Accordingly, Government hereby order to cancel the orders issued in the reference 8th read above and to impose penalty of "5% cut in monthly pension permanenly" against Sri B.Prasada rao, former MRO, Sabbavaram, Visakhapatnam (Now Retired), in light of the orders Dt.07.10.2023 of the Hon'ble High Court in W.P.No.22232 of 2010

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8. The Chief Commissioner of Land Administration, Andhra Pradesh, Mangalagiri/ the District Collector, Visakhapatnam shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

R P SISODIA
SPECIAL CHIEF SECRETARY TO GOVERNMENT (LANDS, DM,R&S)

To
Sri B.Prasada Rao, former MRO, Sabbavaram, Visakhapatnam (Now Retired), (Through Chief Commissioner of Land Administration, Andhra Pradesh, Mangalagiri).
The Chief Commissioner of Land Administration, Andhra Pradesh, Mangalagiri.
The District Collector, Visakhapatnam.
Copy to:
The OSD to Hon'ble Minister (Rev, R &S)
The PS to Special Chief Secretary to Government
The Accountant General (A&E), Andhra Pradesh, Vijayawada.
The Revenue (Ser.I) Department
SF/SC.

// FORWARDED::BY ORDER //

SECTION OFFICER